

**Effective 5/14/2019**

## **Part 7 Genital Mutilation**

### **76-5-701 Female genital mutilation definition.**

- (1) As used in this part, female genital mutilation means any procedure that involves partial or total removal of the external female genitalia, or any harmful procedure to the female genitalia, including:
  - (a) clitoridectomy;
  - (b) the partial or total removal of the clitoris or the prepuce;
  - (c) excision or the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;
  - (d) infibulation or the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning the labia minora or the labia majora, with or without excision of the clitoris;
  - (e) pricking, piercing, incising, or scraping, and cauterizing the genital area; or
  - (f) any other actions intended to alter the structure or function of the female genitalia for non-medical reasons.
- (2) Female genital mutilation is considered a form of child abuse for mandatory reporting under Section 62A-4a-403.

Enacted by Chapter 398, 2019 General Session

### **76-5-702 Prohibition on female genital mutilation -- Exceptions.**

- (1) It is a second degree felony for any person to:
  - (a) perform a procedure described in Section 76-5-701 on a female under 18 years of age;
  - (b) give permission for or permit a procedure described in Section 76-5-701 to be performed on a female under 18 years of age; or
  - (c) remove or cause, permit, or facilitate the removal of a female under 18 years of age from this state for the purpose of facilitating the performance of a procedure described in Section 76-5-701 on the female.
- (2) It is not a defense to female genital mutilation that the conduct described in Section 76-5-701 is required as a matter of religion, custom, ritual, or standard practice, or that the individual on whom it is performed or the individual's parent or guardian consented to the procedure.
- (3) A surgical procedure is not a violation of Section 76-5-701 if the procedure is performed by a physician licensed as a medical professional in the place it is performed and is:
  - (a) medically advisable;
  - (b) necessary to preserve or protect the physical health of the person on whom it is performed; or
  - (c) requested for sex reassignment surgery by the person on whom it is performed.
- (4) A medical professional licensed in accordance with Title 58, Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician Assistant Act, who is convicted of a violation of this section shall have their license permanently revoked by the appropriate licensing board.

Amended by Chapter 354, 2020 General Session

**76-5-703 Community Education Program.**

- (1) The director of the Department of Health shall develop a community education program regarding female genital mutilation.
- (2) The program shall include:
  - (a) education, prevention, and outreach materials regarding the health risks and emotional trauma inflicted by the practice of female genital mutilation;
  - (b) ways to develop and disseminate information regarding recognizing the risk factors associated with female genital mutilation; and
  - (c) training materials for law enforcement, teachers, and others who are mandated reporters under Section 62A-4a-403, encompassing:
    - (i) risk factors associated with female genital mutilation;
    - (ii) signs that an individual may be a victim of female genital mutilation;
    - (iii) best practices for responses to victims of female genital mutilation; and
    - (iv) the criminal penalties associated with the facilitation or commission of female genital mutilation.

Enacted by Chapter 398, 2019 General Session

**76-5-704 Civil cause of action.**

- (1) A victim of female genital mutilation may bring a civil action in any court of competent jurisdiction for female genital mutilation any time within 10 years of:
  - (a) the procedure being performed; or
  - (b) the victim's 18th birthday.
- (2) The court may award actual, compensatory, and punitive damages, and any other appropriate relief.
- (3) A prevailing plaintiff shall be awarded attorney fees and costs.
- (4) Treble damages may be awarded if the plaintiff proves the defendant's acts were willful and malicious.
- (5) If a health care provider is charged and prosecuted for a violation of Section 76-5-702, Section 78B-3-416 may not apply to an action against the health care provider under this section.

Enacted by Chapter 398, 2019 General Session